



COMMONWEALTH BUREAU OF CENSUS AND STATISTICS

SIXTH FLOOR,
PRUDENTIAL BUILDING,
195 NORTH TERRACE,
ADELAIDE

DIVORCE

SOUTH AUSTRALIA

1965

SCOPE

This bulletin gives particulars of petitions filed and orders granted for dissolution of marriage, judicial separation, and nullity of marriage, during the year 1965 with comparable data for previous years where available.

In 1959 the Commonwealth Parliament passed the Matrimonial Causes Act 1959, which came into operation on 1st February 1961. This Act established uniform grounds throughout the whole of the Commonwealth for the termination of marriage and superseded the matrimonial cause laws for the States and Territories except in so far as the transitional provisions of the Act keep them in force for the purpose of completing pending proceedings. The main changes in South Australia were as follows:-

- (i) The period of desertion constituting a ground for dissolution of marriage was reduced from three years to two years.
- (ii) A petition on the ground of separation for five years does not now require a Court order for judicial separation as a pre-requisite.
- (iii) The period of the decree nisi for dissolution or annulment of marriage was reduced from six months to three months.

The immediate effect was to increase both the number of petitions filed and orders absolute for dissolution in 1961.

In 1961 all but 79 of the 718 decrees absolute granted for dissolution were for petitions filed under the old legislation. Since then most such decrees granted have been for petitions filed under the new legislation - 487 out of 685 in 1962, 699 out of 765 in 1963, 838 out of 887 in 1964, and 835 out of 852 in 1965. This should be kept in mind when making comparisons over the years of the figures relating to grounds in tables 3 and 4.

COMMENT

The number of petitions filed for dissolution has risen each year since 1960 and the 1,107 in 1965 is the highest yet filed in one year.

The principal grounds upon which petitions for dissolution of marriage were filed in 1965 were desertion (and desertion with other grounds) which totalled 369, and adultery (and adultery with other grounds) with a total of 327.

The level which the number of orders absolute for dissolution reached in 1961 has risen further in the last 3 years, and the number of 852 orders granted in 1965 has been exceeded only by the record number of 887 granted in 1964. In 1965 more orders absolute for dissolution of marriage were granted to wives (498 or 58.4 per cent) than to husbands.

Some of the effects of the Commonwealth legislation are shown in the increase since 1960 in the number of dissolutions granted on the ground of desertion (and desertion with other grounds) from 215 to 324 and on the ground of separation from 2 to 180.

TABLE 1 - PETITIONS FILED AND ORDERS GRANTED, SOUTH AUSTRALIA, 1958 TO 1965

Particulars	Years							
	1958	1959	1960	1961	1962	1963	1964	1965
PETITIONS								
Dissolution	791	789	781	865	910	1,005	1,034	1,107
Nullity of marriage	5	6	8	9	4	5	5	13
Dissolution or Nullity of marriage	-	-	-	-	1	1	2	2
Judicial separation	-	1	-	3	1	3	4	10
Total	796	796	789	877	916	1,014	1,045	1,132
ORDERS								
Dissolution - Nisi	537	470	698	586	781	748	940	931
Absolute	483	503	610	718	685	765	887	852
Nullity of marriage - Nisi	10	5	11	8	3	4	4	2
Absolute	9	7	9	6	6	5	3	3
Judicial separation	5	-	-	-	1	-	-	-

It should be noted that fluctuations from year to year in the number of orders made may be independent of fluctuations from year to year in the number of petitions filed, because there is a considerable variation in the number of actions awaiting hearing at the end of each year.

TABLE 2 - PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE, AND JUDICIAL SEPARATION: GROUNDS, SOUTH AUSTRALIA, 1963 TO 1965

Ground	Petitioner	1963			1964			1965		
		Hus-band	Wife	Total	Hus-band	Wife	Total	Hus-band	Wife	Total
DISSOLUTION OF MARRIAGE										
Single grounds -										
Adultery		132	112	244	149	98	247	156	146	302
Cruelty		3	121	124	4	150	154	2	175	177
Desertion		145	167	312	161	151	312	126	188	314
Drunkenness		1	10	11	1	17	18	2	18	20
Separation		67	127	194	66	115	181	66	107	173
Other single grounds		3	4	7	1	5	6	4	4	8
Dual grounds -										
Adultery and desertion		12	4	16	10	6	16	10	6	16
Adultery and cruelty		-	13	13	1	12	13	-	9	9
Cruelty and drunkenness		-	13	13	1	13	14	1	20	21
Desertion and cruelty		-	5	5	1	13	14	-	5	5
Desertion and separation		22	27	49	22	24	46	21	29	50
Other dual grounds		-	8	8	1	6	7	2	6	8
Multiple grounds		1	8	9	2	4	6	-	4	4
Total		386	619	1,005	420	614	1,034	390	717	1,107
NULLITY OF MARRIAGE										
Bigamy		-	1	1	-	-	-	1	3	4
Incapacity to consummate		2	2	4	-	5	5	-	4	4
Invalid marriage		-	-	-	-	-	-	2	-	2
Pregnancy		-	-	-	-	-	-	3	-	3
Total		2	3	5	-	5	5	6	7	13
DISSOLUTION OR NULLITY OF MARRIAGE										
Multiple grounds		1	-	1	1	1	2	2	-	2
JUDICIAL SEPARATION										
Adultery		1	1	2	-	1	1	-	3	3
Cruelty		-	1	1	-	2	2	-	-	-
Drunkenness		-	-	-	-	1	1	-	1	1
Separation		-	-	-	-	-	-	-	1	1
Cruelty and drunkenness		-	-	-	-	-	-	-	5	5
Total		1	2	3	-	4	4	-	10	10

TABLE 3 - DISSOLUTION AND ANNULMENT OF MARRIAGE - ORDERS ABSOLUTE: GROUNDS,
SOUTH AUSTRALIA, 1958 TO 1965

Ground	Year							
	1958	1959	1960	1961	1962	1963	1964	1965
Dissolution								
Adultery				235	174	202	243	214
Adultery and desertion	203	175	274	8	1	5	8	6
Adultery and separation				2	-	-	1	-
Adultery and cruelty				-	3	2	5	2
Cruelty				138	60	82	102	101
Cruelty and drunkenness				2	1	5	9	3
Cruelty and separation	82	90	103	-	-	1	-	1
Cruelty and sodomy				-	-	-	1	-
Cruelty and frequent convictions				-	-	-	-	1
Desertion				289	301	269	268	312
Desertion and cruelty				2	4	3	6	1
Desertion and separation				1	1	16	34	8
Desertion and drunkenness				-	-	1	2	3
Desertion and refusal to consummate	184	218	215	-	-	1	-	-
Desertion and failure to pay maintenance				-	-	-	1	-
Desertion and presumption of death				-	-	-	1	-
Drunkenness	4	4	9	6	3	6	13	9
Drunkenness and separation				-	-	1	-	-
Failure to pay maintenance	1	3	4	4	1	2	1	2
Insanity	1	5	3	3	4	2	3	-
Insanity and separation				-	-	-	-	1
Separation (a)	6	6	2	23	130	162	180	180
Other single grounds	2	2	-	2	2	3	6	6
Multiple grounds	-	-	-	3	-	2	3	2
Total	483	503	610	718	685	765	887	852
Nullity								
Bigamy	2	-	1	2	3	2	-	-
Incapacity to consummate(b)	6	7	4	2	2	3	3	3
Invalid marriage	1	-	4	2	1	-	-	-
Total	9	7	9	6	6	5	3	3

NOTE: Prior to 1961 if more than one ground was stated one of the grounds was selected for classification as indicated above, e.g. "adultery and desertion" was classified as "adultery".

- (a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.
- (b) Figures prior to 1961 combine "impotence" and "non-consummation" and the latter term covered "refusal to consummate", which under Commonwealth legislation is now a ground for dissolution of marriage.

In the immediate post-war period adultery was the main ground for dissolution of marriage; of the 1,953 orders absolute for dissolution granted in the three years 1945 to 1947 there were 1,197 for adultery compared with only 585 for desertion and 101 for habitual cruelty. Subsequently dissolutions on the ground of adultery have become much less frequent and since 1949 have exceeded those for desertion in only 1958 and 1960.

TABLE 4 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: SEX OF PETITIONER AND GROUNDS,
SOUTH AUSTRALIA, 1958 TO 1965

Ground	Year							
	1958	1959	1960	1961	1962	1963	1964	1965
ON PETITION OF HUSBAND								
Adultery				126	(b) 108	121	(b) 140	124
Adultery and desertion	126	108	172	5	1	3	6	2
Adultery and cruelty				-	1	-	-	-
Cruelty	5	-	4	5	1	2	3	5
Cruelty and separation								1
Desertion				154	141	137	111	153
Desertion and cruelty				-	-	1	-	-
Desertion and separation	87	106	107	-	-	14	16	(b) 6
Desertion and presumption of death				-	-	-	1	-
Desertion and drunkenness				-	-	-	-	1
Drunkenness	-	1	-	1	-	1	2	-
Insanity	-	3	1	2	3	1	1	-
Separation (a)	1	2	-	14	60	58	76	63
Other single grounds	1	-	-	-	-	-	2	-
Multiple grounds	-	-	-	(b) 1	-	1	-	-
Total	220	220	284	(b) 308	(b) 315	339	(b) 358	(b) 355
ON PETITION OF WIFE								
Adultery				109	(b) 67	81	(b) 104	90
Adultery and desertion	77	67	102	3	-	2	2	4
Adultery and separation				2	-	-	1	-
Adultery and cruelty				-	2	2	5	2
Cruelty				133	59	80	99	96
Cruelty and drunkenness				2	1	5	9	3
Cruelty and separation	77	90	99	-	-	1	-	-
Cruelty and sodomy				-	-	-	1	-
Cruelty and frequent convictions				-	-	-	-	1
Desertion				135	160	132	157	159
Desertion and cruelty				2	4	2	6	1
Desertion and separation				1	1	2	18	(b) 3
Desertion and drunkenness	97	112	108	-	-	1	2	2
Desertion and refusal to consummate				-	-	1	-	-
Desertion and failure to pay maintenance				-	-	-	1	-
Drunkenness	4	3	9	5	3	5	11	9
Drunkenness and separation				-	-	1	-	-
Failure to pay maintenance	1	3	4	4	1	2	1	2
Insanity	1	2	2	1	1	1	2	-
Insanity and separation				-	-	-	-	1
Separation (a)	5	4	2	9	70	104	104	117
Other single grounds	1	2	-	2	2	3	4	6
Multiple grounds	-	-	-	(b) 3	-	1	3	2
Total	263	283	326	(b) 411	(b) 371	426	(b) 530	(b) 498

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Includes a dissolution granted to both husband and wife.

In all but four years since 1933 more orders absolute for dissolution have been granted on the petitions of wives than on the petitions of husbands.

In 1965, 96.0 per cent of orders absolute for dissolution on petitions of husbands, but only 74.9 per cent on petitions of wives, were granted on three grounds (adultery, desertion, separation), or combinations of these three grounds. Cruelty (19.3 per cent) accounted for most of the other orders absolute for dissolution granted to wives.

TABLE 5 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT MARRIAGE,
SOUTH AUSTRALIA, 1963 TO 1965

Age of Husband	1965									1964 Total	1963 Total
	Age of Wife								Total		
	Under 20	20-24	25-29	30-34	35-39	40-44	45 & Over	Not Stated			
Under 20	42	12	-	-	-	-	-	-	54	53	38
20-24	175	218	18	4	3	-	-	-	418	399	352
25-29	43	106	44	13	4	2	-	-	212	245	187
30-34	10	30	13	13	5	2	-	-	73	100	89
35-39	4	12	10	7	9	2	2	-	46	45	43
40-44	1	-	2	6	8	1	2	-	20	20	23
45 and over	-	1	1	4	5	5	10	-	26	19	28
Not Stated	-	1	-	-	-	-	-	2	3	6	5
Total 1965	275	380	88	47	34	12	14	2	852		
1964	245	392	139	52	27	9	17	6		887	
1963	218	322	115	42	31	18	14	5			765

When analysing the figures shown in Tables 5, 6 and 7 it should be remembered that there are more existing marriages of short duration than of long duration.

TABLE 6 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: DURATION OF MARRIAGE AND
NUMBER OF CHILDREN (a), SOUTH AUSTRALIA, 1962 TO 1965

Duration of Marriage	1965								1964 Total	1963 Total	1962 Total
	Number of Children (a)							Total			
	0	1	2	3	4	5	6 & Over				
0- 4	35	19	8	2	-	-	-	64	61	43	45
5- 9	67	67	61	17	7	2	1	222	207	202	167
10-14	36	40	62	26	17	4	1	186	183	172	172
15-19	35	32	32	36	9	6	4	154	185	166	129
20-24	12	22	34	21	17	5	3	114	122	90	81
25-29	25	12	10	6	2	2	2	59	70	58	47
30-34	22	5	2	1	-	-	-	30	32	12	23
35-39	12	1	1	-	-	-	-	14	16	10	7
40-44	6	-	-	-	-	-	-	6	6	10	4
45 and over	3	-	-	-	-	-	-	3	5	2	10
Total 1965	253	198	210	109	52	19	11	852	887	765	685
1964	260	227	205	118	48	21	8				
1963	243	199	166	94	51	6	6				
1962	236	194	140	60	40	11	4				

(a) At time of petition. Under State legislation information obtained on "children" covered only living "issue" under 16 years; the Commonwealth Act provides for living "children of the marriage" under 21 years to be shown. As the numbers of orders absolute for dissolution in 1962 to 1965 combine those granted under both the old and the new legislation (see page 1 for proportions) the information on children for each of these years is not strictly comparable with that for each previous year.

During the eleven years to the end of 1960 there was an increase in the proportion of orders absolute for dissolution which involved 2 or more living issue under the age of 16 years. In 1949 these amounted to only 19.5 per cent of all orders absolute for dissolution, but in 1960 the corresponding percentage was 37.0 per cent. Since then comparability has been affected by the inclusion of children aged 16 years and over. 26.5 per cent of the orders absolute granted in 1965 were for dissolution of marriages which had lasted for 20 years or more. This proportion increased progressively from 15.3 per cent in 1958 to 25.1 per cent in 1962, fell to 23.8 per cent in 1963, but rose again to 28.3 in 1964.

TABLE 7 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT TIME OF DIVORCE,
SOUTH AUSTRALIA, 1962 TO 1965

Age of Husband	1965								1964 Total	1963 Total	1962 Total
	Age of Wife							Total			
	Under 25	25-29	30-34	35-39	40-44	45 & Over	Not Stated				
Under 25	20	-	-	-	-	-	-	20	20	12	8
25-29	40	62	9	-	-	-	-	111	91	80	71
30-34	7	67	52	7	2	1	-	136	148	127	103
35-39	4	15	54	67	8	6	-	154	157	148	142
40-44	-	7	16	53	49	16	-	141	137	137	105
45 and over	-	2	6	21	67	191	-	287	328	256	243
Not Stated	-	1	-	-	-	-	2	3	6	5	13
Total 1965	71	154	137	148	126	214	2	852	887	765	685
1964	70	133	133	159	145	241	6				
1963	48	123	124	139	131	195	5				
1962	48	98	124	125	93	183	14				

The proportion of those aged 45 or more at the time of dissolution of marriage increased between the years 1958 and 1962 - the proportion of husbands from 22.4 to 35.5 per cent and the proportion of wives from 15.1 to 26.7 per cent. In 1963 these proportions fell to 33.5 and 25.5 for husbands and wives respectively, increased in 1964 to 37.0 per cent and 27.2 per cent, then fell to 33.7 per cent and 25.1 per cent. This trend, as would be expected, runs parallel to the trend in dissolved marriages with a duration of 20 years or more shown in Table 6.

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